IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.916 of 2007
ANJALI KUMARI
Versus
STATE OF BIHAR & ORS
---

2 22.10.2008 Heard counsel for the petitioner and the State.

The petitioner who is the daughter of the informant namely Sona Devi (Respondent no.6) seeks a direction to the respondents to provide protection to her and her husband Rabindra Sao at the hands of her parents and further seeks quashing of the F.I.R. of Fatehpur P.S. Case No.117 of 2007 registered for offences under sections 366(A)/34 of the Penal Code.

Learned counsel for the petitioner submits that the instant prosecution is vexatious one against the accused persons as she married Rabindra Sao on her own free will and there was no abduction or any foul play. He submits that the petitioner and her husband Rabindra Sao were adult at the relevant time and she at her own free will married him and since then they are living together as husband and wife.

WEB COPY NOT OFFICIAL

The Hon'ble Supreme Court in the case of Lata Singh Vs State of Uttar Pradesh and another, 2006(3) P.L.J.R. 329 has held that the inter caste marriages are in fact in the national interest as they will result in destroying the caste system. In the above mentioned case, the Apex Court observed that a major boy or a girl is free to marry or live with any one he or she likes. The Hon'ble Apex Court quashed the Sessions Trial arising out of the concerned F.I.R. which related to alleged abduction of the girl by the boy.

Having heard learned counsel for the parties, this court directs that if the petitioner appears before the Investigating Officer, Fatehpur P.S., District Gaya within five weeks from today, he would take steps for recording of her statement. The petitioner would be free to produce all such documents in respect of her claim of being major on the date of occurrence and would also record her statement whether she has gone with Rabindra Sao at her own free will or not. The Investigating Officer may notice the informant/parents of the petitioner also. The Investigating Officer would then submit his report to the learned Magistrate concerned within four weeks thereafter. It goes without saying that no coercive steps would be taken against the petitioner, who admittedly is not named as an accused.

With the aforesaid observations, this application is disposed of.

(S.P.Singh,J)

KHAN

WEB COPY NOT OFFICIAL